

Holliston Zoning Board of Appeals Meeting Minutes of June 15, 2016

Present: Chairman Henry Dellicker, John Love, and Associate Member Mark Bush. Brian Liberis and Jay Peabody were absent.

Call to Order: The Chairman called the meeting to order at 7:10 p.m. in Room 014 of the Town Hall.

Approval of Minutes: On a motion by Mr. Love, seconded by Mr. Bush with all in favor, the members approved the minutes of May 18, 2016 as drafted.

I. PUBLIC HEARINGS:

Special Permit Public Hearing

89 October Hill, LLC – 89 October Hill Road

The Chairman opened the public hearing at 7:10 p.m. Mr. Love read the public hearing notice into the record. Garry Holmes of RW Holmes Management and 89 October Hill, LLC was present to discuss his petition. He noted that the application is twofold: a proposed tenant (Ox Paper Tube and Core within 24,000 s.f. as noted in the application materials) and general industrial uses within the 84,000 s.f. facility in general. Members discussed potential reservations about permitting the entire building generically. Mr. Holmes described the building as having been constructed in 6,000 s.f. bays for multiple tenants. He provided a marketing brochure as well as an aerial photograph of the facility within the New Englander Industrial Park for consideration and these were entered into the record.

He noted that Ox Paper has multiple locations nationally and produces tubing for uses such as maps and carpets. This proposed satellite location is proposed for sales, assembly and distribution. Stock materials are manufactured through a cutting and assembly process for custom orders. 8-13 employees are expected within the facility and 50+ spaces are available for their use. The proposed space within the building is the far end of the building. Proposed hours of operation is a weekday single daytime shift. The Chairman suggested a 6-day allowance until 10 p.m. and verified that no hazardous materials will be involved in the proposed manufacturing processes.

The Chairman opened the hearing to the public. No one spoke in favor or opposition to the application.

On a motion by Mr. Bush, seconded by Mr. Love, the public hearing was closed.

Special Permit Public Hearing

Alex Buckler and David Dubin – 200 Summer Street

The Chairman opened the public hearing at 7:35 p.m. and Mr. Love read the hearing notice into the record. The applicants were present to discuss their application for a 12,000 s.f. cross-fit facility to be located within the rear corner of the existing building located at 200 Summer Street. An additional exit door is being installed to meet safety codes. The business is based on group classes rather than an open gym. Classes would be approximately 25 participants with minimal overlap. Proposed hours of operation are 4:30 a.m. to 9:00 p.m. during the weekdays. Saturday

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hours will be morning only. Approximately 10 employees are anticipated as the business develops. Limited retail sales to clients is proposed for custom gym apparel and drinks. It was noted that there is one tenant (vehicle storage permitted by the Zoning Board of Appeals in 2013) currently in the building previously occupied by WA Wilde and that use is compatible.

The Chairman opened the hearing to the public. No one spoke in favor or opposition to the application. On a motion by Mr. Bush, seconded by Mr. Love, the public hearing was closed.

**Dimensional Variance Public Hearing
James Read – 45 Pleasant Street**

The Chairman opened the public hearing at 7:52 p.m. and reading of the hearing notice was waived. A comment letter from the Board of Health (dated June 14, 2016) was reviewed and entered into the record. James and Lyra Read were present to discuss their petition. The plan of record prepared by Continental Land Survey, LLC dated March 25, 2015 was reviewed and the limited area available on the lot because of the existing dwelling placement on the lot, septic system and FEMA flood zone. Mr. Read clarified that he would like relief to with less than 10' of the side lot line given the proposed building design. A building elevation and layout plan entitled "Read Garage" prepared by Ballow Architects of Holliston dated June 8, 2016 was entered into the record.

On a motion by Mr. Bush, seconded by Mr. Love, the public hearing was closed.

II. DELIBERATIONS:

**Special Permit – 89 October Hill Road
Findings of Fact**

The Board reviewed the application materials and testimony provided by the Petitioner. In accordance with the provisions of Section III(G)(2) and VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood, industrial park or the Town from the proposed general industrial uses.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III(G)(2) for property described and located at 89 October Hill Road was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Bush	Aye

Conditions of Approval

1. This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11 and shall lapse in two (2) years if a

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substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. The copy of the decision to be filed must contain a certification by the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.

2. The proposed use of over 15,000 s.f. of the existing building by single or multiple tenants as described in the application is allowed per Section III for a combination of general industrial uses, including manufacturing, storage, processing, fabrication, packaging and assembly.
3. No manufacturing or processing of hazardous materials is authorized.
4. All industrial activities shall be conducted inside the building.
5. Information sufficient to evaluate compliance by each individual tenant with the Off-Street Parking standards of Section V-C, Performance Standards of Section V-N as well as the thresholds of Section VII Site Plan Review shall be provided to the Inspector of Buildings.

Special Permit – 200 Summer Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioners. In accordance with the provisions of Section III(D)(17) and VI-E(5), the Board finds the following: The use is in harmony with the general purpose and intent of the zoning by-law. There will be no significant adverse effects to the neighborhood or the Town from the proposed indoor commercial recreational use.

Zoning Board Vote

The Board's vote to approve the Petitioner's Special Permit application for relief under Section III(D)(17) for property described and located at 200 Summer Street was as follows on a motion by Mr. Bush, seconded by Mr. Love:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Bush	Aye

Conditions of Approval

1. This Special Permit is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11 and shall lapse in two (2) years if a substantial use thereof has not sooner commenced except for good cause or if construction has not begun by such date except for good cause. The copy of the decision to be filed must contain a certification by the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Hours of operation within the designated indoor facility shall be limited to 4:30 a.m. to 9:00 p.m. weeklong.
3. Retail sales of ancillary fitness items shall be limited to clientele and not the general public.

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Dimensional Variance – 45 Pleasant Street

Findings of Fact

The Board reviewed the application materials and testimony provided by the Petitioner as well as a comment letter from the Board of Health (dated June 14, 2016). In accordance with the provisions of Section V-A, the Board finds the following: There is limited area available on the 7,456 s.f. lot (0.17 ac.) because of the existing 2-story dwelling placement, septic system and FEMA flood zone as represented on the plan of record prepared by Continental Land Survey, LLC. Literal enforcement of the provisions of the by-law would involve substantial hardship, financial or otherwise to the petitioner. Relief to construct a detached 18' x 22' single-car garage compatible in construction to the house is granted without substantial detriment to the public, and without nullifying or substantially derogating from the intent or purpose of the by-law.

Zoning Board Vote

The Board's vote to approve the Petitioner's Dimensional Variance application for relief under Section V-A for property described and located at 45 Pleasant Street was as follows on a motion by Mr. Love, seconded by Mr. Bush:

Chairman Dellicker	Aye
Mr. Love	Aye
Mr. Bush	Aye

Conditions of Approval

1. This Dimensional Variance is not valid until recorded and indexed at the Registry of Deeds in accordance with the provisions of MGL, c. 40A, s. 11 and shall lapse in one (1) year unless exercised per MGL, c. 40A, s. 10. The copy of the decision to be filed must contain a certification by the Town Clerk that twenty (20) days have elapsed since after the decision was filed and that no appeal has been filed or if such appeal has been filed, that it has been dismissed or denied.
2. Construction of the detached garage is allowed to within 1 inch of the southeast side and rear lot lines as depicted on the plan of record.
3. Construction of the 400 s.f. structure shall be substantially in compliance with the building plans submitted with regard to style and materials.
4. The Applicant must address requirements of the Board of Health noted in their correspondence of June 14, 2016 prior to issuance of a building permit.

Adjournment: The meeting adjourned at 9:25 p.m. on a motion made and duly seconded with all in favor. The next meeting was scheduled for August 17, 2016.

Respectfully submitted,

Karen Sherman

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Town Planner